

Date: January 22, 2001

Docket No.: 4700-4

Applicant(s): Brennan J. McTernan et al.

Serial No.: To be assigned Filed: Concurrently herewith

Title: SYSTEM AND METHOD FOR ACCOUNTING FOR VARIATIONS IN

CLIENT CAPABILITIES IN THE DISTRIBUTION OF A MEDIA

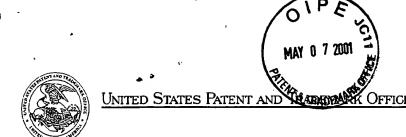
PRESENTATION

## BOX PATENT APPLICATION

Assistant Commissioner for Patents, Washington, DC 20231

To the individual receiving this correspondence, please check the content enclosed herewith and verify that the following items were enclosed by date stamping and placing this post card in the out-going mail. Thank you.

- Patent Application Transmittal (1 sheet)
- Specification (38 pages)
- Drawings (8 sheets, Figs.1-11) Formal
- Declaration and Power of Attorney (4 sheets)
- Check \$355.00
- Express Mail Certificate No. EL595827209US



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/767,268

01/22/2001

Brennan J. Mcternan

4700-4

**CONFIRMATION NO. 1994** 

**FORMALITIES LETTER** 

\*OC00000005820589\*

Brown Raysman Millstein Felder & Steiner LLP 120th West 45th Street New York, NY 10036

Date Mailed: 03/02/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

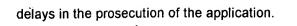
## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 31 of the specification (description and claims).
- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the PTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid

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A copy of this notice <u>MUST</u> be returned with the reply.

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